

### R E M A R K S

New claim 66 in the AMENDMENT UNDER 37 CFR 1.116 filed on April 8, 2004 is related to claim 43. In claim 43, the recombinant gene is defined by the amino acid sequence that the gene encodes (see the first paragraph on page 6 of the specification). However, in claim 66, the recombinant gene is defined by its nucleotide sequence. In claim 66, SEQ ID NO 43 is the nucleotide sequence of mlcA cDNA. Similarly, SEQ ID NOS 45, 47, 49 and 37 are the nucleotide sequences of mlcB, mlcC, mlcD and mlcE cDNA, respectively.

Page 7, lines 16 to 20 of the specification clearly discloses that the polynucleotides of the present invention are capable of accelerating the biosynthesis of ML-236B alone. Further, see Test Example 1 (pages 64 to 66 of the specification), wherein it is shown that the recombinant mlcR gene (cDNA) can accelerate the biosynthesis of ML-236B in a ML-236B-producing microorganism in the absence of recombinant mlcA, mlcB, mlcC, mlcD or mlcE cDNA.

Please consider the above REMARKS in conjunction with the AMENDMENT UNDER 37 CFR 1.116 filed on April 8, 2004.

Entry of the AMENDMENT UNDER 37 CFR 1.116 filed on April 8, 2004 is respectfully requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the

undersigned at the telephone number given below for prompt  
action.

Respectfully submitted,



---

RICHARD S. BARTH  
REG. NO. 28,180

FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C.  
767 THIRD AVENUE - 25TH FLOOR  
NEW YORK, NEW YORK 10017-2023  
Tel. Nos. (212) 319-4900  
          (212) 319-4551/Ext. 219  
Fax No. (212) 319-5101  
E-Mail Address: BARTH@FHGC-LAW.COM  
RSB/ddf